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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/902,005	07/29/1997	LAURA J. BUTLER	MS1-119US	9747
22801	7590	05/07/2004	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			TRAN, HAI V	
			ART UNIT	PAPER NUMBER
			2611	20

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

08/902,005

Applicant(s)

BUTLER ET AL.

Examiner

Hai Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>18</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Continued Prosecution Application*

The request filed on 09/24/01 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/902005 is acceptable and a CPA has been established. An action on the CPA follows.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claim 1-2, 4-5, 12-15, 18, 21-23, 25, 29-30, 33, 37-41, and 43 are rejected under 35 U.S.C. 102(e) as being unpatentable by Kikinis (US 5929849).

Claim 1, Kikinis discloses a method comprising the following steps:

“transmitting a video stream” reads on the received video stream for displaying the video on Fig. 2C because Kikinis must have a mean to transmit the video stream, i.e., CATV headend .

“formatting supplemental data files in a graphical markup language” reads on the ‘Dynamic URL’ in which is notoriously well known in the computer art to be file with CGI extension or Script with coded syntax in

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different format, i.e. HTML, DHTML (Dynamic HTML), XHTML (Extensible HTML) in which the Kikinis' system must be formatted at the Server/headend (col. 8, lines 5-18 and Col. 10, lines 18-25).

"each supplemental data file having instruction for rendering over on the video stream" reads on the executing the 'Dynamic URL' by a browser to render over the video as shown on Fig. 2C (see Fig. 3A, el. 87 and 91; Col. 8, lines 5-37);

"transmitting the supplemental data files along with the video stream" is met by Kikinis (Fig. 3A, el. 83).

Claim 2, Kikinis further discloses "formatting the supplemental data files in HTML" see Col. 9, lines 60-65+.

Claim 4, Kikinis must have a storage medium having computer executable instructions for performing steps in claim 1, as disclosed.

Claim 5, "receiving the video stream and accompanying supplemental data files" reads on Kikinis (Fig. 3A, el. 83);

"displaying the hyperlink overlays in conjunction with the video stream" reads on (Fig. 2C in which el 71 and 57 overlay with the video stream).

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Claim 6, Kikinis further discloses wherein the displaying step comprises launching an HTML-compatible browser to display the hyperlink overlays (Col. 6, lines 5-7).

Claim 12, Kikinis further discloses the formatting step comprises including hyperlinks in the Hyperlink overlays (Dynamic URL, Col. 8, lines 54-Col. 9, lines 8), the method further comprising an additional step of replacing any currently displayed Hyperlink overlay with content targeted by such hyperlinks in response to selecting such hyperlink (Col. 9, lines 60-Col. 10, lines 55).

Claim 13, Kikinis further discloses the formatting step comprises including hyperlinks in the Hyperlink overlays (Dynamic URL, Col. 8, lines 54-Col. 9, lines 8), the method further comprising an additional step of opening new viewing windows for displaying content targeted by such hyperlink (the selection of Kikinis URL link would result in opening a new window in which is well known in the Computer Art under Windows environment to display additional information; Col. 9, lines 60-Col. 10, lines 55).

Claim 14, Kikinis further discloses the formatting step comprises including hyperlinks in the Hyperlink overlays (Dynamic URL, Col. 8, lines 54-Col. 9, lines 8), the method further comprising an additional step of launching application programs as required to render content targeted by such

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Hyperlink (the selection of Kikinis URL link would result in opening application programs for opening a new window in which is well known in the Computer Art under Windows environment to display additional information; Col. 9, lines 60-Col. 10, lines 55).

Claim 15, Kikinis further discloses a storage medium (fig. 5, el. 49, 47 and 45) having computer executable instructions (Col. 6, lines 1-8) for performing steps in claim 5, as disclosed.

Claim 18 is analyzed with respect to Claim 6.

Claim 21 is analyzed with respect to Claim 12.

Claim 22 is analyzed with respect to Claim 13.

Claim 23 is analyzed with respect to Claim 14.

Claims 25, 33 are analyzed with respect to Claim 6.

Claims 29 and 37 are analyzed with respect to Claim 12.

Claims 30 and 38 are analyzed with respect to Claim 13.

Claims 21 and 39 are analyzed with respect to Claim 14.

Claim 40, Kikinis discloses a video broadcast system comprising:

A broadcast source (Fig. 1, not show) broadcasts video stream and accompanying supplemental data file (Dynamic URL; Fig. 3A shows received broadcasts video stream and accompanying supplemental data file at el. 83), "each supplemental data file having instructions for rendering a hyperlink overlay on the video stream" reads on the 'Dynamic URL' in which is

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notoriously well known in the computer art to be file with CGI extension or Script with coded syntax in different format, i.e. HTML, DHTML (Dynamic HTML), XHTML (Extensible HTML) in which the Kikinis' system must formatted at the Server/headend (col. 8, lines 5-18 and Col. 10, lines 18-25).

A receiver (Fig. 1) configured to receive the video stream and accompanying supplemental data file at el. 83 of Fig. 3A and to display the overlays in conjunction with the video stream (see fig. 2C).

Claim 41 is analyzed with respect to Claim 2.

Claim 43 is analyzed with respect to Claim 6.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3, 6-11, 16-17, 19-20, 24, 26-28, 31-32, 34-36, 42 and 44-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis (US 5929849) in view of Adams (WO 96/10888).

Claim 3, Kikinis does not clearly disclose a step of transmitting timing specifications with the supplemental data files indicating time for displaying the hyperlink overlays; however, Kikinis discloses a step of transmitting the

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supplemental data files (Dynamic URL) for display an hyperlink overlay as discussed in claim 1.

Adams discloses a timing specification (time stamp) is transmitted with associated data packets (supplemental data files) indicating time for displaying the overlay (page 19, lines 16-22 and page 23, lines 13-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kikinis with Adams to have a timing specification (time stamp) transmits with associated data packets, as taught by Adams, so additional display information could be in sync with the video and audio information (page 5, lines 5-15).

Claim 7, Kikinis does not clearly disclose the formatting step comprises setting transparent areas of each hyperlink overlay to a key color, the displaying step comprises displaying the video stream only in the areas of the hyperlink overlays that are set to a key color.

Adams discloses the step of setting transparent areas of each associated hyperlink overlay to a key color (page 20, lines 18-page 21, lines 10), the displaying step comprises displaying the video stream only in the areas of the hyperlink overlays that are set to a key color (page 23, lines 10-page 24, lines 10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kikinis with Adams so to enable the receiver to define windows according to the specifications provided by the associated data to display received video data stream within the defined windows (page 22, lines 10-page 23, lines 2).



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Claim 8, Kikinis further discloses wherein the displaying step comprises launching an HTML-compatible browser to display the hyperlink overlays (Col. 6, lines 5-7).

Kikinis does not clearly disclose the formatting step comprises setting transparent areas of each hyperlink overlay to a key color, the displaying step comprises displaying the video stream only in the areas of the hyperlink overlays that are set to a key color.

Adams discloses the step of setting transparent areas of each associated hyperlink overlay to a key color (page 20, lines 18-page 21, lines 10), the displaying step comprises displaying the video stream only in the areas of the hyperlink overlays that are set to a key color (page 23, lines 10-page 24, lines 10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kikinis with Adams so to enable the receiver to define windows according to the specifications provided by the associated data to display received video data stream within the defined windows (page 22, lines 10-page 23, lines 2).

Claim 9, Kikinis does not clearly disclose the formatting step comprises setting transparent areas of each hyperlink overlay to a key color, the displaying step comprises displaying the hyperlink overlay and using color keying hardware that displays video only in the display areas that are set to a key color.

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Adams discloses the step of setting transparent areas of each associated hyperlink overlay to a key color (page 20, lines 18-page 21, lines 10), the displaying step comprises displaying the hyperlink overlay and using color keying hardware that displays video only in the display areas that are set to a key color (page 14, lines 5-15; page 18, lines 4-17; page 23, lines 10-page 24, lines 10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kikinis with Adams so to enable the receiver to define windows according to the specifications provided by the associated data to display received video data stream within the defined windows (page 22, lines 10-page 23, lines 2).

Claim 10, Kikinis further discloses wherein the displaying step comprises launching an HTML-compatible browser to display the hyperlink overlays (Col. 6, lines 5-7).

Kikinis does not clearly disclose the formatting step comprises setting transparent areas of each hyperlink overlay to a key color, the displaying step comprises using color keying hardware that displays video only in the display areas that are set to a key color.

Adams discloses the step of setting transparent areas of each associated hyperlink overlay to a key color (page 20, lines 18-page 21, lines 10), the displaying step comprises using color keying hardware that displays video only in the display areas that are set to a key color (page 14, lines 5-15; page 18, lines 4-17; page 23, lines 10-page 24, lines 10). Therefore, it would have

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been obvious to one of ordinary skill in the art at the time the invention was made to modify Kikinis with Adams so to enable the receiver to define windows according to the specifications provided by the associated data to display received video data stream within the defined windows (page 22, lines 10-page 23, lines 2).

Claim 11, Kikinis further discloses an additional step of displaying content targeted by such hyperlinks in response to selecting such hyperlinks (Col. 8, lines 54-Col. 9, lines 8).

Kikinis does not clearly disclose the formatting step the formatting step comprises setting transparent areas of each hyperlink overlay to a key color.

Adams discloses the step of setting transparent areas of each associated hyperlink overlay to a key color (page 20, lines 18-page 21, lines 10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kikinis with Adams so to enable the receiver to define windows according to the specifications provided by the associated data to display received video data stream within the defined windows (page 22, lines 10-page 23, lines 2).

Claim 16 and 17 are analyzed with respect to claims 1-3, and 5.

Claim 19 is analyzed with respect to Claim 9.

Claim 20 is analyzed with respect to Claim 11.

Claim 24 and 32 are analyzed with respect to Claims 1, 5 and 7.

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Claims 26 and 34 are analyzed with respect to Claims 9-10.

Claims 27 and 35 are analyzed with respect to Claims 9-10.

Claims 28 and 36 are analyzed with respect to Claim 11.

Claim 42 is analyzed with respect to Claim 3.

Claim 44 is analyzed with respect to Claim 9.

Claim 45, Kikinis discloses a receiver for receiving and displaying video stream (Fig. 1) comprising hardware 51, 53 for displaying video streams and bit-map images to a user; a processor (Fig. 1, el. 19).

Kikinis does not clearly disclose the displaying hardware including color keying hardware that displays video in display areas that are set to a key color; access means for reading supplemental data files that have instructions for rendering bi-mapped hyperlink overlays in conjunction with the video stream at the indicated time; a data processor that reads the supplemental data files in response displays the hyperlinks overlays at the indicated times, wherein the hyperlink overlays have transparent areas that are set to a key color, the hyperlink overlays thus appearing to overlay the video streams; However, Kikinis discloses a step of transmitting the supplemental data files (Dynamic URL) for display an hyperlink overlay as discussed in claim 1.

Adams (Fig. 1, el. 10) discloses display hardware 12 for displaying video streams and bit-map images to users. The display hardware including color-keying hardware that displays video in display areas that are set to a key

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color (Fig. 2, el. 56); Access means 54, 60 for reading supplemental data ('associated data') files that have instructions for rendering bi-mapped hyperlink overlays in conjunction with the video stream at the indicated time (time stamp; page 15, lines 9-16; page 19, lines 16-22 and page 23, lines 13-20); a data processor 52 that reads the supplemental data ('associated data') files in response displays the overlays at the indicated times (page 19, lines 16-22 and page 23, lines 13-20), wherein the overlays have transparent areas that are set to a key color, the overlays thus appearing to overlay the video streams (page 20, lines 18-page 21, lines 10; page 23, lines 10-page 24, lines 10); Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kikinis with Adams so to enable the receiver to define windows according to the specifications provided by the associated data to display received video data stream within the defined windows (page 22, lines 10-page 23, lines 2).

Claim 46, Kikinis in view of Adams further discloses an HTML-compatible browser that the data processor executes to display the hyperlink overlays (Col. 6, lines 5-7).

Claim 47, Kikinis in view of Adams further discloses displaying content targeted by such hyperlinks in response to selecting such hyperlinks (Col. 8, lines 54-Col. 9, lines 8).

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Claim 48, Kikinis in view of Adams further discloses replacing any currently displayed Hyperlink overlay with content targeted by such hyperlinks in response to selecting such hyperlink (Col. 9, lines 60-Col. 10, lines 55).

Claim 49, Kikinis in view of Adams further discloses opening new viewing windows for displaying content targeted by such hyperlink (the selection of Kikinis URL link would result in opening a new window in which is well known in the Computer Art under Windows environment to display additional information; Col. 9, lines 60-Col. 10, lines 55 in combination with the teaching Adams for graphics rendering).

Claim 50, Kikinis in view of Adams further discloses the processor is programmed to launch application programs as required to render content targeted by such Hyperlink (the selection of Kikinis URL link would result in opening application programs for opening a new window in which is well known in the Computer Art under Windows environment to display additional information; Col. 9, lines 60-Col. 10, lines 55).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is 703-308-7372. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax

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phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT:ht  
04/15/2004

A handwritten signature in black ink, appearing to read "HAITRAN", is written over three horizontal lines.

HAITRAN  
PATENT EXAMINER